UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,927	10/02/2003	Alberto Arozena Bergaretxe	HERR 20.657	9568

7590 12/19/2008

Katten Muchin Zavis Rosenman
575 Madison Avenue
New York, NY 10022-2585

EXAMINER	
SAFAVI, MICHAEL	
ART UNIT	PAPER NUMBER
3637	
MAIL DATE	DELIVERY MODE
12/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/677,927	AROZENA BERGARETXE, ALBERTO	
	Examiner	Art Unit	
	Michael Safavi	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 23 and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The instant disclosure does not appear to clearly set forth "the top end of the respective vertical brace comprises a locking device for locking the respective vertical brace to the respective bolster support."

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12, lines 11-12, it is not clear as to what is being defined by "each plate comprising four cross-shaped sector". Does the language at lines 11-12 of claim 1 define a single sector or a plurality of sectors? Further, it is not clear as to what "cross-shaped sector" serves to define. The instant disclosure does not appear to present each sector as cross-shaped. Or, is a plate equivalent to a sector? Lines 12-14, it is not clear

as to what is being defined by "each cradle comprising a first inclined base for the positioning and support at least one end of one of a respective one of the plurality of primary beams and one of a respective cross-beam". The instant disclosure does not appear to present "each cradle comprising a first inclined base for the positioning and support at least one end of one of a respective one of the plurality of primary beams and one of a respective cross-beam".

Claim 16, line 1 is "beam groove" plural or singular? Lines 1-2 appear to present a double recitation.

Claim 19, line 2 appears to present a double recitation.

Claim 23, lines 5-6, it is not clear as to what lines 5-6 are defining particularly, with the instant disclosure not clearly setting forth "the top end of the respective vertical brace comprises a locking device for locking the respective vertical brace to the respective bolster support."

Claim 28, as at line 2, recites "a heel between which is defined a recess". However, there appears only one element recited. Therefore, it is not clear as to what is being defined by "between which is defined a recess". Line 2, it is not clear as to what "a heel" refers. Would this be the same heel introduced within claim 1?

Claim 29, line 7, to what does "a formwork panel" refer? Would this be the same panel or different panel from the "formwork panel" introduced at line 3 of claim 29?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 12, 18-23 and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by United Kingdom reference 1,457,136 (GB '136).

GB '136 discloses, Figs. 1, 2, 4, and 6, a slab formwork system comprising: a plurality of primary beams 38 or 40; a plurality of cross-beams 37 or 36 for connecting to a respective two of the plurality of primary beams, (as via connection 101/106), and spacing the respective two of the plurality the primary beams apart; a plurality of vertical braces 100; a plurality of support bolsters 101/106, each of the support bolsters mounted on top of a respective one of the plurality of vertical braces for supporting at least one end of a respective one of the plurality of primary beams and one of a respective cross-beam, at least one formwork panel 92/93 supported by one of the plurality of primary beams, the formwork panel comprising inner partitions 93 for providing support; wherein each of the support bolsters comprises a plate 101/110/106,

each plate comprising four cross-shaped sector 102, 103, 107, 108, each sector defining one of a plurality of cradles, each cradle comprising a first inclined base for the positioning and support at least one end of one of a respective one of the plurality of primary beams and one of a respective cross-beam, wherein the at least one end of the respective one of the plurality of primary beams and one of the respective cross-beam supported by the support bolster comprises a heel 'A' or 50 having a lower surface comprising a first inclination complementarily to the first inclined base of the respective one of cradles for wedging the at least one formwork panel towards the respective one of the vertical braces.

Partitions of the cradle are at edges or surfaces of 102, 103, 107, 108 or are at 110. External nut as a locking wedge is at 18 with stopping element of bolster supports at 17. Lateral protrusion of nut 18 can be seen in Fig. 6, (i.e., from which 20 extends). Wooden block upon the beam(s) is at 181. Recess (for any possible centering means), is that recess formed between the heel ('A' or 50) and the sectors (102, 103, 107, 108). The plurality bolster supports comprise a main tube, (19' or upper portion of 19), for sliding the plate and the nut and a tubular lower segment, (19 or lower portion of 19), for coupling to a top end of the respective vertical brace, wherein the top end of the respective vertical brace comprises a locking device, (at least the threaded element of 19), for locking the respective vertical brace to the respective bolster support.

Claims 12, 17-19, 25, 26, 28, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by United Kingdom reference 905,408 (GB '408).

GB '408 discloses, Figs. 1-3, a slab formwork system comprising: a plurality of primary beams 16 or 23; a plurality of cross-beams 16 or 23 for connecting to a respective two of the plurality of primary beams, and spacing the respective two of the plurality the primary beams apart; a plurality of vertical braces, (page 2, lines 44-46); a plurality of support bolsters 11 or 19/20, each of the support bolsters mounted on top of a respective one of the plurality of vertical braces for supporting at least one end of a respective one of the plurality of primary beams and one of a respective cross-beam, at least one formwork panel 15 or 22 supported by one of the plurality of primary beams, the formwork panel comprising inner partitions 17 or 24 for providing support; wherein each of the support bolsters comprises a plate, each plate comprising four cross-shaped sector 30 or 19, each sector defining one of a plurality of cradles, each cradle comprising a first inclined base, (page 3, lines 68-74), for the positioning and support at least one end of one of a respective one of the plurality of primary beams and one of a respective cross-beam, wherein the at least one end of the respective one of the plurality of primary beams and one of the respective cross-beam supported by the support bolster comprises a heel having a lower surface comprising a first inclination complementarily to the first inclined base of the respective one of cradles for wedging the at least one formwork panel towards the respective one of the vertical braces, (page 3, lines 103-109).

Partitions of the cradle are at edges or surfaces of 30 or are at 20. Recess (for any possible centering means), is that recess formed between the heel, (portion of 23 that extends onto bolster), and the sector walls (20). Frame of the formwork panel is at 24/25 with reinforcement bracket 25 at the corner of the formwork panel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 12, 17-19, 25, 26, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over United Kingdom patent Specification 905,410, (GB '410), in view of United Kingdom patent Specification 905,408, (GB '408).

GB '410 discloses a slab formwork system including use of a bolster 10 having cradles 14/14 placed upon vertical braces, (page 4, lines 106-108). Shuttering members are placed upon the bolsters with corners of the shuttering embers wedged in place upon the cradles 14/14, page 4, lines 58-72.

Arguments to GB '408 can be found above. To have provided the form panels with primary and cross beams as well as inner partitions to vertical braces and bolsters 10 of the GB '410 slab formwork system as by wedging the ends of respective primary beams and cross-beams to the respective cradles of each respective bolster, thus allowing for a secure formwork assembly, would have been obvious to one having

ordinary skill in the art at the time the invention was made as taught by GB '408 as well as by the GB '410 disclosure.

Recess (for any possible centering means), is that recess formed between the heel, (portion of 16 or 23 of GB '408 that extends onto bolster), and the sectors (14). Frame of the formwork panel is at 24/25 of GB '408 with reinforcement bracket 25 at the corner of the formwork panel.

Claims 12-23 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over German reference 3921064, (DE '064), in view of United Kingdom patent Specification 1,457,136, (GB '136).

DE '064 discloses, Fig. 3, a slab formwork system comprising: a plurality of primary beams 1; a plurality of cross-beams 1 for connecting to a respective two of the plurality of primary beams, (as via connection 23), and spacing the respective two of the plurality the primary beams apart; a plurality of vertical braces 26; a plurality of support bolsters 23, each of the support bolsters mounted on top of a respective one of the plurality of vertical braces for supporting at least one end of a respective one of the plurality of primary beams and one of a respective cross-beam, at least one formwork panel supported by one of the plurality of primary beams, wherein each of the support bolsters comprises a plate 101/110/106, each plate comprising four cross-shaped sector 102, 103, 107, 108, each sector defining one of a plurality of cradles, each cradle comprising a first inclined base for the positioning and support at least one end of one of a respective one of the plurality of primary beams and one of a respective cross-beam,

wherein the at least one end of the respective one of the plurality of primary beams and one of the respective cross-beam supported by the support bolster comprises a heel 'A' or 50 having a lower surface comprising a first inclination complementarily to the first inclined base of the respective one of cradles for wedging the at least one formwork panel towards the respective one of the vertical braces. DE '064 does not specifically disclose use of a formwork panel comprising inner partitions for providing support.

However, GB '136 discloses use of a formwork panel comprising inner partitions 93 for providing support. Therefore, to have provided the DE '064 slab formwork system with form panels having inner partitions for providing support, thus utilizing a sturdy formwork panel within the assembly, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by GB '136.

Each of the plurality of primary beams comprises a longitudinal extension comprising a beam groove 9 having a second inclined base 2 and a front protrusion 2, the second inclined base being similar to the first inclined base. The beam groove receives one of at least one formwork panels and a secondary beam, (1 as shown in Fig. 1), the secondary beam for riveting against one of a structure column and a wall.

Partitions of the cradle are at edges or surfaces of 27. External nut as a locking wedge is at 25 with stopping element of bolster supports seen just below 25. Wooden block upon the beam(s) can be seen in Figs. 1 and 3. Recess (for any possible centering means), is at 10. The plurality bolster supports comprise a main tube, (upper portion of 22), for sliding the plate and the nut and a tubular lower segment, (lower portion of 22), for coupling to a top end of the respective vertical brace, wherein the top

end of the respective vertical brace comprises a locking device, (seen in Fig. 3 locking bolster support 22 to vertical brace 26), for locking the respective vertical brace to the respective bolster support.

Response to Arguments

Applicant's arguments filed August 18, 2008 have been fully considered but they are not persuasive. For example, it is not seen where claim 12 requires "at least one of the primary beams and at least one of the cross-beams frame together at the same level." Further, each of GB '136 and DE '064 discloses means used for locking the respective head in an operative position and for releasing it when desiring to drop it thus, showing means for locking and releasing the bolster support and the means for guiding and fixing the vertical support to the vertical brace as is set forth within the respective final paragraphs in the rejections involving GB '136 and DE '064.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Michael Safavi/
Primary Examiner, Art Unit 3637

M. Safavi
December 10, 2008